

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

)	
In the Matter of)	
)	
Promoting Interoperability in the 700 MHz)	WT Docket No. 12-69
Commercial Spectrum)	
)	
Interoperability of Mobile User Equipment)	RM-11592 (terminated)
Across Paired Commercial Spectrum Blocks)	
in the 700 MHz Band)	
)	

COMMENTS OF METROPCS COMMUNICATIONS, INC.

Carl W. Northrop
Andrew Morentz
Telecommunications Law Professionals PLLC
875 15th Street, NW, Suite 750
Washington, DC 20005
Telephone: (202) 789-3120
Facsimile: (202) 789-3112

Mark A. Stachiw
General Counsel, Secretary
& Vice Chairman
2250 Lakeside Boulevard
Richardson, TX 75082
Telephone: (214) 570-5800
Facsimile: (866) 685-9618

Its Attorneys

TABLE OF CONTENTS

I.	INTRODUCTION AND SUMMARY	2
II.	THE PUBLIC INTEREST WILL BE SERVED BY THE COMMISSION MANDATING 700 MHZ INTEROPERABILITY	4
III.	THE LACK OF 700 MHZ INTEROPERABILITY HAMPERS BROADBAND DEPLOYMENT	7
IV.	THE LACK OF INTEROPERABILITY INCREASES THE DIFFICULTY OF OBTAINING REASONABLE EFFICIENT ROAMING ARRANGEMENTS FOR COMPETITIVE CARRIERS	10
V.	SOLVING THE CHANNEL 51 INTERFERENCE PROBLEM WILL INCREASE THE CHANCES OF AN INDUSTRY SOLUTION TO INTEROPERABILITY	12
VI.	ANY INDUSTRY RESOLUTION PROCESS MUST BE BUTTRESSED BY A REGULATORY MANDATE	13
VII.	CONCLUSION	14

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

<hr/>)	
In the Matter of)	
)	
Promoting Interoperability in the 700 MHz Commercial Spectrum)	WT Docket No. 12-69
)	
Interoperability of Mobile User Equipment Across Paired Commercial Spectrum Blocks in the 700 MHz Band)	RM-11592 (terminated)
)	
<hr/>)	

COMMENTS OF METROPCS COMMUNICATIONS, INC.

MetroPCS Communications, Inc. (“MetroPCS”),¹ by its attorneys, hereby respectfully submits its comments on the *Notice of Proposed Rulemaking* (“NPRM”)² released by the Federal Communications Commission (the “FCC” or “Commission”) in the above-captioned proceedings, in which the Commission seeks comment on the Commission’s proposals to bring a much-needed interoperability solution to bear in the Lower 700 MHz band. MetroPCS strongly supports requiring interoperability in the Lower 700 MHz band because such requirements will encourage broadband deployment, permit carriers and customers to enjoy the benefits of economies of scale, and enable scarce spectrum resources in the 700 MHz band to be put to their highest and best use. In support, the following is respectfully shown:

¹ For purposes of these Comments, the term “MetroPCS” refers to MetroPCS Communications, Inc. and all of its FCC-licensed subsidiaries.

² *Promoting Interoperability in the 700 MHz Commercial Spectrum; Interoperability of Mobile User Equipment Across Paired Commercial Spectrum Blocks in the 700 MHz Band*, Notice of Proposed Rulemaking, FCC 12-31, WT Docket No. 12-69, RM-11592 (terminated) (rel. Mar. 21, 20120) (“NPRM”).

I. INTRODUCTION AND SUMMARY

MetroPCS, as the licensee of 700 MHz A Block spectrum in the Boston, Massachusetts economic area,³ is keenly interested in interoperability in the 700 MHz band, as it has a substantial impact on MetroPCS' ability to provide beneficial voice and broadband services to its customers. Like all commercial mobile radio service ("CMRS") providers, MetroPCS requires a number of critical inputs in order to be competitive and to serve its customers – chief among them are: (i) adequate spectrum resources; (ii) reasonable roaming arrangements; and (iii) competitively priced customer equipment over which MetroPCS services can be provided. Unfortunately for MetroPCS, the lack of interoperability across the 700 MHz band creates substantial problems in securing each of these three critical resources. The lack of interoperability in the 700 MHz band creates problems with respect to customer equipment by increasing MetroPCS' costs, reducing important economies of scale and scope particularly, for small, rural and mid-tier carriers, and limiting the subscriber equipment choices for customers of MetroPCS' services. As a result, the business case for promptly deploying 700 MHz A Block spectrum on a large scale is substantially reduced. Additionally, the lack of interoperability increases the already significant obstacles for small, rural and mid-tier carriers in their efforts to obtain much-needed LTE roaming agreements. As a result, smaller CMRS carriers are faced with an unpleasant Morton's Fork⁴ when seeking to roam in the 700 MHz band: either add an expensive second 700 MHz radio chip to their handsets for roaming purposes only – which

³ See WQIZ578 (BEA003 - Boston-Worcester-Lawrence-Lowell-Brockton, MA-NH-RI-VT). MetroPCS paid more than \$313 million to acquire this license, and considers it an important part of its spectrum portfolio.

⁴ Morton's Fork refers to a choice between two equally unpleasant alternatives. See *Burroughs v. Metro-Goldwyn-Mayer, Inc.*, 683 F.2d 610 (2d Cir. 1982).

prevents them from competing on a level playing field with regard to the increasingly important handset component – or forego building their own 700 MHz A Block spectrum. Forcing spectrum-starved competitive carriers to abstain from constructing much-needed spectrum resources due to a lack of interoperability compounds the serious existing spectrum shortage and flies in the face of the Commission’s stated goals from the *National Broadband Plan*.⁵ This problem will be further exacerbated when the Commission holds incentive auctions for the 700 MHz DTV spectrum. Without interoperability across all of the 700 MHz band, the 700 MHz band will become Balkanized. As a result, the dollars raised in the upcoming incentive auction may be substantially less, which may lead to less spectrum being sold by the 700 MHz DTV operators. In addition, the spectrum will be less useable if every channel that is recovered from the incentive auction could create its own band class. No economies of scale will result, and the Commission will have missed out on the important opportunity that the incentive auction presents. Interoperability for the 700 MHz band, and all future spectrum allocations, is a fundamental bedrock principle and should be added to the Commission’s checklist of items to be addressed *before* auctioning spectrum.

MetroPCS not only urges the Commission to take action to ensure interoperability across the Lower 700 MHz band, but also asks the Commission to take immediate steps to address the serious Channel 51 interference issues which plague the 700 MHz Block A channels in many metropolitan areas. Resolving the Channel 51 interference will make it easier to address the interoperability issue and may even foster a voluntary industry solution.

⁵ FEDERAL COMMUNICATIONS COMMISSION, CONNECTING AMERICA: A NATIONAL BROADBAND PLAN FOR OUR FUTURE, at 75-76 (2010) (“*National Broadband Plan*”).

Finally, MetroPCS urges the Commission to act promptly to resolve the interoperability issue and to set a near term deadline for compliance. MetroPCS recommends that the Commission issue a clear mandate requiring interoperability in the Lower 700 MHz band by December 31, 2012. Only by providing a bright-line regulatory deadline can the Commission incent industry players to take voluntary negotiations seriously, and provide a backstop in the event that negotiations break down.

II. THE PUBLIC INTEREST WILL BE SERVED BY THE COMMISSION MANDATING 700 MHZ INTEROPERABILITY

MetroPCS has long advocated Commission's actions to ensure an interoperable 700 MHz band. Indeed, more than two years ago MetroPCS urged the Commission to mandate "700 MHz band mobile equipment design and procurement practices and adopt[] specific policies prohibiting restrictive equipment configurations."⁶ In 2010, MetroPCS advocated that the Commission "initiate a rulemaking immediately to assure that consumers will have access to all paired 700 MHz spectrum that the Commission licenses,"⁷ cautioning that "[f]urther delay will have profound negative consequences."⁸ Unfortunately, MetroPCS' predictions about the damaging effects of a lack of interoperability have come true. Indeed, as expected, small, rural and mid-tier 700 MHz A Block licensees have experienced a lack of "meaningful access . . . to cutting edge devices, and even those that do have access are able to acquire only a fraction of what other 700 MHz licensees are able to procure."⁹ Importantly, the Commission now

⁶ Comments of MetroPCS Communications, Inc., ii, RM-11592 (filed Mar. 31, 2010).

⁷ Reply Comments of MetroPCS Communications, Inc., 3, RM-11592 (filed Apr. 30, 2010).

⁸ *Id.*

⁹ *NPRM* ¶ 18. MetroPCS notes that, without interoperability, it is unlikely that the few rural carriers who have secured iPhones will be able to secure 4G LTE iPhones operating on the 700 MHz band, as they will not represent sufficient scale to drive development of work on an iPhone.

recognizes that the “record to date suggests that, unless mobile user equipment is capable of operating on all paired commercial Lower 700 MHz spectrum, the deployment of facilities-based mobile broadband networks could be hampered, particularly in rural and unserved areas.”¹⁰ And, many small, rural and mid-tier carriers continue to find that “[w]ithout interoperable devices . . . there will be no roaming in the 700 MHz band.”¹¹

Further, without interoperability, A Block licensees will have to choose between the limited roaming available on Lower 700 MHz A Block, or forego building. Indeed, the Commission should ask why a number of Lower 700 MHz A Block licensees have opted to participate in Verizon’s rural LTE initiative *on Verizon’s spectrum* rather than use their own Lower 700 MHz Block A licenses. The fact that these licensees have eschewed their own spectrum in favor of leasing a competitor’s spectrum is quite telling, and must be taken into account by the Commission.

MetroPCS applauds the Commission for confirming the problems that arise from a lack of interoperability in the 700 MHz band, and welcomes the important first step that the *NPRM* represents. The time has come for the Commission to take much-needed action to ensure the availability of interoperable 700 MHz devices, to ensure that all carriers – small, rural and mid-tier alike – and the customers that they serve, can realize the benefits of 4G LTE services over 700 MHz spectrum. As the *NPRM* acknowledges, the Commission “historically has been interested in promoting interoperability,” and has done so in the other bands.¹² The Cellular, PCS and AWS bands all have fully interoperable chipsets, which has allowed competitive

¹⁰ *NPRM* ¶ 22.

¹¹ *Id.* at ¶ 27.

¹² *Id.* at ¶ 17.

carriers to reap the benefit of economies of scale with respect to equipment availability.¹³

Leaving aside the continuing problem of exclusive handset arrangements, the availability of advanced interoperable devices in other bands has enhanced the ability of small, rural and mid-tier carriers to compete more robustly with the Twin Bells, to the benefit of the industry and consumers. It is with this pro-competitive result in mind that MetroPCS urges the Commission to develop “rules of the road” with respect to in-band interoperability across the Lower 700 MHz band, and to set a precedent for any future efforts to thwart the interoperability that the other bands now enjoy.¹⁴

Interoperability is more important than ever as the Twin Bells – AT&T and Verizon – increase their market power and act to cordon off their spectrum holdings in specific bands and blocks. As is well known to the Commission, AT&T has built a walled garden around its 700 MHz B Block spectrum, by supporting a boutique band class (Band Class 17) for equipment operating over this spectrum. This creates a serious problem which lies at the heart of this proceeding. And, there are other warning signs on the horizon with respect to boutique band classes. Verizon has a transaction pending in which it seeks to acquire 20 MHz of near-

¹³ The need for Commission action in interoperability is dictated by changed circumstances. The 800 MHz band was mandated to be interoperable when it was a duopoly and, although the PCS and AWS bands had no such mandate, the industry was sufficiently fragmented that manufacturers had to rely on multiple licensees in order to obtain optimal manufacturing volume. The competitive situation is now more akin to the original 800 MHz Cellular days, with a duopoly composed of Verizon and AT&T (the “Twin Bells”), which can deliver sufficient volume (and have the competitive power) to preclude interoperable equipment.

¹⁴ Interoperability is important across the entire 700 MHz band if the Commission wants robust competition. With Verizon selling its Lower 700 MHz A Block licenses, Lower 700 MHz A Block licensees will only have a single roaming partner if the Commission does not require interoperability across the entire 700 MHz band. Further, when the Commission conducts the incentive auction winning bidders will similarly need interoperability across the entire 700 MHz band.

nationwide spectrum in the AWS C Block from a group of cable companies.¹⁵ Verizon has indicated that it intends to use the AWS C Block, along with the large swaths of AWS F block spectrum covering half the country that it already holds, to provide 4G LTE to complement its existing service offered over the 700 MHz C Block.¹⁶ Verizon also has revealed plans to part with its 700 MHz A and B Block spectrum.¹⁷ Verizon's consolidation of its LTE spectrum holdings in the AWS C and F and 700 MHz C Block, increases Verizon's incentive to support boutique band classes that exclude the 700 MHz A Block and thereby deprive smaller competitors, who lack the massive buying power of Verizon, of the most advanced LTE devices at reasonable prices.

MetroPCS is encouraged by the first steps taken in the *NPRM*. MetroPCS urges the Commission to act on interoperability without delay in order to promote maximum spectrum utility and wireless broadband deployment to more Americans.

III. THE LACK OF 700 MHZ INTEROPERABILITY HAMPERS BROADBAND DEPLOYMENT

The lack of interoperable equipment across the Lower 700 MHz Band has significantly hampered the ability of small, rural and mid-tier carriers to deploy next-generation 4G LTE services to their customers. AT&T's support of the boutique Band Class 17, which excludes Lower 700 MHz A Block frequencies, has robbed small, rural and mid-tier carriers of important

¹⁵ Verizon seeks to acquire this AWS spectrum from SpectrumCo, LLC and Cox TMI Wireless, LLC (*see* WT Docket No. 12-4).

¹⁶ Phil Goldstein, "Verizon to buy SpectrumCo's AWS spectrum for \$3.6B," Fierce Wireless, (Dec. 2, 2011), *available at* <http://www.fiercewireless.com/story/verizon-buy-spectrumcos-aws-spectrum-36b/2011-12-02>.

¹⁷ *See* "Verizon Wireless To Conduct Spectrum License Sale," Press Release (Apr. 18, 2012), *available at* <http://newscenter.verizon.com/press-releases/verizon-wireless/2012/verizon-wireless-to-conduct.html>.

economies of scale in obtaining handsets that operate over their 700 MHz spectrum and may very well preclude access to certain highly popular handsets – such as a 4G LTE iPhone. The lack of interoperability also limits the business case for rapid and broad scale deployment of Lower 700 MHz A Block spectrum, limiting the utility of this important resource, and preventing this spectrum from being put to its highest and best use.

The concentration of 700 MHz A Block licenses in primarily small, rural and mid-tier carriers has greatly exacerbated the interoperability problem.¹⁸ Since the four nationwide carriers represent more than 90 percent of the total wireless customers in the United States, the 700 MHz A Block licensees represent just a small fraction of the total possible wireless handset sales for manufacturers.¹⁹ As a result, manufacturers are able to make the rational business decision not to devote their time and attention to developing and manufacturing handsets with Band Class 12 chips. The disinclination of manufacturers to concentrate on building advanced handsets for licensees of the 700 MHz A Block equates to higher prices, less feature-rich phones and a lack of the most advanced devices for small, rural and mid-tier carriers. Without the scale provided by the Twin Bells, and without regulatory intervention to constrain consolidation in the industry, the Commission will see the further concentration of the power in the Twin Bells.

Acquiring reasonably-priced equipment is particularly important for low-cost carriers like MetroPCS, whose customers tend to have less disposable income than the customers of the Twin

¹⁸ Although Verizon holds several 700 MHz A Block licenses, it has not actively pursued buildout of these licenses, instead focusing on its 700 MHz C Block licenses. As a result, Verizon has not beneficially impacted the equipment market for this spectrum, which it could do by bringing its buying power to bear by insisting on interoperable Lower 700 MHz band equipment.

¹⁹ *Annual Report and Analysis of Competitive Market Conditions With Respect to Mobile Wireless, Including Commercial Mobile Services*, Fifteenth Report, WT Docket No. 10-133, ¶ 31, Table 4 (June 27, 2011).

Bells. Indeed, MetroPCS has openly cited the importance of being able to offer a \$100 4G LTE smartphone to its customers.²⁰ This important competitive objective is made more difficult by the lack of an interoperable Lower 700 MHz band. Without interoperability, A Block licensees lose on the economies of scale that are essential to enabling them to be on par with the nation's largest carriers both technologically and with respect to equipment price. For example, surely the Commission cannot expect Apple to create a state-of-the-art 4G LTE iPhone for only the small subset of carriers operating over a technologically stranded Lower 700 MHz A Block.²¹ Consequently, the latest and most advanced devices will go only to the largest carriers, thereby further solidifying their dominant market positions. Smaller carriers also will have greater difficulties obtaining handsets that meet evolving Commission standards, such as E911 location accuracy, hearing aid compatibility ("HAC") and compatibility with the commercial mobile alert system ("CMAS") for participating carriers.

The lack of interoperable handsets also has made it much more difficult for smaller carriers to make a business case for deployment of their 700 MHz A Block spectrum. Simply put, if carriers are unable to obtain attractive, reasonably-priced wireless devices for their customers that operate over this spectrum and, as discussed below, are able to implement reasonable roaming arrangements, they are not assured of a return on their investment, and will not invest the substantial resources necessary to deploy the 700 MHz A Block. This outcome flies in the face of the Commission's and President Obama's goal of accelerating the reach of

²⁰ Q3 2011 MetroPCS Communications Inc Earnings Conference Call (Nov. 1, 2011), *available at* <http://edge.media-server.com/m/p/8887egoj/lan/en>; *see also* Dan Jones, "MetroPCS: \$100 LTE Smartphones in 2012?" Light Reading Mobile (Nov. 1, 2011), *available at* http://www.lightreading.com/document.asp?doc_id=214102.

²¹ Indeed, Apple's new 4G LTE iPad was only designed to operate over two LTE bands – Verizon's and AT&T's.

broadband to all Americans.²² Particularly given Verizon's recent announcement that it plans to sell all of its 700 MHz A Block spectrum, the Commission must act immediately to solve the interoperability problem in the Lower 700 MHz band if it would like to see this spectrum provide meaningful relief to spectrum-starved small, rural and mid-tier carriers. If perfectly useable spectrum is unable to be put to use because of a lack of interoperability, the goals of the *National Broadband Plan* to have spectrum to meet the rising demand for wireless data will not be met.

IV. THE LACK OF INTEROPERABILITY INCREASES THE DIFFICULTY OF OBTAINING REASONABLE EFFICIENT ROAMING ARRANGEMENTS FOR COMPETITIVE CARRIERS

Due to the walled garden that AT&T has created around Band Class 17, Lower 700 MHz A Block licensees wishing to enter into 4G LTE roaming arrangements over 700 MHz spectrum face an unpleasant choice. At present, economic and technical considerations effectively dictate that handsets can only include a single 700 MHz band chip in each radio, meaning that carriers must choose between including a Band Class 12, 17 or 13 chip.²³ This means that 700 MHz A Block licensees are forced to choose between *either* obtaining 4G LTE roaming from Verizon or AT&T, since no band class includes the 700 Block A spectrum and both the 700 MHz B Block and C Block, or building on their own spectrum and having substantially curtailed roaming prospects. Sadly, this means that the potential for LTE to resolve the CDMA/GSM roaming dichotomy is lost because of unnecessary interoperability limitations. Requiring that all Lower 700 MHz band devices use Band Class 12 chips would alleviate this problem in a meaningful

²² See generally *National Broadband Plan*; President Barack Obama, "Unleashing the Wireless Broadband Revolution," Presidential Memorandum (Jun. 28, 2010), *available at* <http://www.whitehouse.gov/the-press-office/presidential-memorandum-unleashing-wireless-broadband-revolution>.

²³ The only other possible solution is to include a second radio in the handset, which comes at a material economic and handset performance cost.

way, in that A Block licensees could operate over both their own spectrum *and* over AT&T's spectrum as a roaming partner. This would enable such carriers to obtain nationwide roaming while retaining their incentive to build on their own 700 MHz A Block spectrum. Unfortunately, at present, even if smaller carriers could easily obtain Band Class 12 handsets, they still would be prevented from roaming over AT&T's 4G LTE network, which is compatible only with Band Class 17.

Lower 700 MHz A Block licensees faced with the prospect of becoming a captive roaming partner of either Verizon or AT&T by including either a Band Class 17 or 13 chip, lack the incentive to invest in their own networks – an anathema to longstanding Commission policy of encouraging the rapid deployment of spectrum resources. Simply put, it is a lose-lose proposition for 700 MHz A Block licensees. Ironically, the poor choices faced by these carriers is demonstrated by the popularity of Verizon's LTE in Rural America program.²⁴ Many A Block licensees have chosen to build out a network over leased Verizon spectrum – rather than building out *their own network* over spectrum for which they paid tens or hundreds of millions of dollars. This demonstrates the depth and pernicious effect of the interoperability of the problem. If carriers who are willing to devote time and resources to building a 4G LTE network are unable to make the business case to construct their own Lower 700 MHz A Block networks, but rather are building out spectrum owned by others in order to obtain roaming, clearly the market is broken and must be fixed. By adopting interoperability requirements, the Commission can address this problem, and encourage the rapid deployment of additional 700 MHz to spectrum-starved carriers.

²⁴ See Verizon's "LTE in Rural America" program, *available at* <http://aboutus.verizonwireless.com/rural/Overview.html>.

V. SOLVING THE CHANNEL 51 INTERFERENCE PROBLEM WILL INCREASE THE CHANCES OF AN INDUSTRY SOLUTION TO INTEROPERABILITY

As the Commission has noted, it believes that “an industry solution to the question of interoperability in the Lower 700 MHz band would be preferable because such a solution allows the market greater flexibility in responding to evolving consumer needs and dynamic and fast-paced technological developments.”²⁵ However, interoperability opponents have noted certain technical concerns with deploying a network around Band Class 12, with Channel 51 interference concerns being chief among them.²⁶ While MetroPCS does not believe that these concerns justify abandoning interoperability, and can be resolved through technical solutions, it does believe that the resolution of Channel 51 interference issues will vastly increase the chance for an industry solution. Indeed, AT&T has stated that, “if interference challenges from high power broadcasts in Channel 51 and in the Lower 700 MHz E Block are addressed satisfactorily, it will not object to supporting interoperability in the Lower 700 MHz band.”²⁷ Thus, the Commission can improve the prospects for interoperability by resolving Channel 51 interference concerns – thereby eliminating two substantial impediments to 700 MHz A Block deployment in one fell swoop – and it should do so promptly.

²⁵ *NPRM* ¶ 49.

²⁶ *Id.* at ¶ 51.

²⁷ *Id.* at ¶ 47; AT&T Dec. 22, 2011 *Ex Parte* in WT Docket. No. 11-18 at 1.

VI. ANY INDUSTRY RESOLUTION PROCESS MUST BE BUTTRESSED BY A REGULATORY MANDATE

MetroPCS has long been a proponent of voluntary industry solutions whenever all sides are similarly motivated to achieve a successful and mutually beneficial result.²⁸ However, in this case, the business incentives of AT&T, and perhaps Verizon, are not sufficiently aligned with the Lower 700 MHz A Block licensees to assure a voluntary solution to the 700 MHz interoperability problem.²⁹ The longer the Twin Bells are able to forestall the interoperability resolution process, the further behind competing carriers will fall in the race to 4G LTE deployment, and the less competitive such carriers will be. The competitive carriers have been an extremely important source of competition for the Twin Bells. For example, it was T-Mobile, not the Twin Bells, that first launched an Android handset. And MetroPCS, not the Twin Bells, was the first to launch a commercial LTE network in the United States and the first to launch 4G LTE handsets. Leap Wireless, with its Muve music service, was the first to launch unlimited music as part of a wireless rate plan. Without the ability to obtain a return on their investment, these competitive carriers will cease to provide needed competition to the Twin Bells, and competition and innovation will suffer. As a result, the Commission absolutely must impose a deadline of December 31, 2012 for full compliance with a Lower 700 MHz band interoperability standard. This will create powerful incentives for voluntary industry negotiations to be successful in resolving the problem. It is critical that the Commission mandate has true

²⁸ See Julius Genachowski, Chairman, Fed. Comm'n Comm'n, Address at the Brookings Institution Bill Shock Event (Oct. 17, 2011) <http://www.fcc.gov/document/chairman-genachowski-remarks-bill-shock-event>.

²⁹ Interestingly, Verizon, as a Lower 700 MHz A Block licensee, has not been a proponent for interoperability in the Lower 700 MHz band, nor has it chosen to include such block in the band class carrying its upper 700 MHz C Block licenses. The fact that Verizon took no action on its own argues for greater Commission involvement, lest these discussions lead nowhere.

regulatory “teeth” to increase the prospect that industry negotiations do not bog down interminably, to the detriment of competitive carriers and consumers.

MetroPCS also advocates that the Commission take an active role in the resolution of the interoperability by participating in and overseeing the entire process. Voluntary negotiations should take place in the form of an appointed interoperability committee, with delegates from a representative cross section of the wireless industry – including small, rural and mid-tier carriers. The Commission should explicitly retain the authority to review and revise any findings made by this interoperability committee, which will ensure that the committee fairly resolves all issues before it. The Commission retaining such authority will reduce or eliminate the ability of the Twin Bells to exercise any sway over the committee.

MetroPCS truly hopes that a voluntary solution can be reached promptly. However, given the checkered track record of the Twin Bells in connection with resolving 700 MHz interoperability issues, the Commission should adopt a policy of “trust, but verify.” In this spirit, the Commission should retain control over all voluntary negotiations, and set a hard deadline for compliance, which will encourage all stakeholders to negotiate in good faith.

VII. CONCLUSION

Interoperability across the 700 MHz band has been a problem for far too long, and has resulted in many small, rural and mid-tier carriers falling behind in the race to 4G LTE. By encouraging voluntary negotiations through a mandated compliance deadline, and the resolution of related Channel 51 interference issues, the Commission can ensure that the full potential of the 700 MHz A Block is realized, to the benefit of consumers and competition alike.

Respectfully submitted,

MetroPCS Communications, Inc.



By:

Carl W. Northrop

Andrew Morentz

TELECOMMUNICATIONS LAW
PROFESSIONALS PLLC

875 15th Street, NW, Suite 750

Washington, DC 20005

Telephone: (202) 789-3120

Facsimile: (202) 789-3112

Mark A. Stachiw

General Counsel, Secretary

& Vice Chairman

MetroPCS Communications, Inc.

2250 Lakeside Blvd.

Richardson, Texas 75082

Telephone: (214) 570-5800

Facsimile: (866) 685-9618

Its Attorneys

June 1, 2012